

REMARKS / ARGUMENTS

Applicant thanks the Examiner for his consideration of Applicant's arguments filed on September 28, 2006 and corresponding withdrawal of the rejections.

For the convenience of the Examiner and clarity of purpose, Applicant has reprinted the substance of the Office Action in *10-point bolded and italicized font*. Applicant's arguments immediately follow in regular font.

Claims 1-4, 17, 19, 22-24, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hildebrandt et al (4,461,519). Hildebrandt et al an enclosure capable of housing electronic equipment (as suggested in Abstract) and includes a frame structure (See Figure 2) having a plurality of frame members, a first and second expansion channel shown in Figure 2 as the space between plates (28) and (29) which are inherently removable, they are coupled to the frame member and form expansion chambers on both ends of the housing (also shown in Figure 2). Column 3, lines 23-26 and 39-43 describe the structure as being capable of housing cables and include cable ducts (22) & (23) which perform the function of the cable support device. The cover plates include holes or cutouts (which are unnumbered but indicated by [+I]); Hildebrandt et al furthermore includes doors (26) coupled to the expansion channels (the doors being transparent is not considered a patentable limitation since it is very well known in the art to have glass cabinet doors).

Applicant respectfully traverses these rejections. To render a claim unpatentable, Hildebrandt et al ("Hildebrandt") must disclose each structure recited by such claim in the order required by the claim. *See, e.g., Brown v. 3M*, 265 F.3d 1349, 60 USPQ2d 1375 (Fed. Cir. 2001)("to anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 47 USPQ2d 1225 (Fed. Cir. 1998)("a finding of anticipation requires that the publication describe all of the elements of the claims, arranged as in the patented device."); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)("These elements must be arranged as in

the claim under review.”). It is also incorrect to base anticipation on “substantial similarity” between the disclosure and the arrangement of claimed elements. *See Jamesbury Corp. v. Litton Indus. Prods., Inc.*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985).

Applicant disagrees with the Office’s characterization of what Hildebrandt discloses. First, Hildebrandt does not disclose that his device is for housing electronic equipment, or that it comprises expansion channels or cable support devices. Actually, Hildebrandt never mentions housing electronic equipment, but rather expresses concern for “laying the necessary cables [of technical office equipment] as far as possible out of sight,” *i.e.* hiding various cables from the sight of the cupboard user. Hildebrandt at Abstract. Further, the Hildebrandt disclosure is entitled “Cupboard With Metal Framed Side Walls” and seeks to accomplish the goal of hiding cables using *spaces between the cupboard sidewalls* and *cable ducts*, which are merely spaces inherent in the construction of the cupboard.

Applicant takes issue with Examiner’s characterization of Hildebrandt’s *spaces* as “first and second expansion channels coupled to a corresponding...frame member,” as recited in Applicant’s independent claims 1 and 23. As can be seen in Hildebrandt’s FIG. 2, reproduced below, Hildebrandt’s *spaces* are defined by adjacent cover plates 28, or 28 and 29, and metal frame 4.



Contrary to the *spaces* of Hildebrandt, Applicant’s “first and second expansion channels,” such as illustrated by reference numerals 26a and 26b in Applicant’s Figure 2A (reproduced below), are not spaces, but rather are rigid structures capable of being “***coupled to a...frame member***,” as recited in Applicant’s independent claims 1 and 23. Hildebrandt’s *spaces* cannot physically be ***coupled*** to a frame member and thus are not equivalents of Applicant’s “expansion channels.” Secondly, the Examiner mistakenly characterizes Hildebrandt’s *spaces* as “expansion channel[s]” and “expansion chambers” (Office Action at 2), in that Hildebrandt’s elements do not expand an enclosure, but rather define a new and distinct space. Contrariwise, Applicant’s claims 1 and 23 recite channels coupled to frame members to “form an expanded section of the enclosure,” not to define a new one. Therefore, Hildebrandt fails to disclose “expansion channels [that] form an expanded section,” as recited in Applicant’s independent claims.

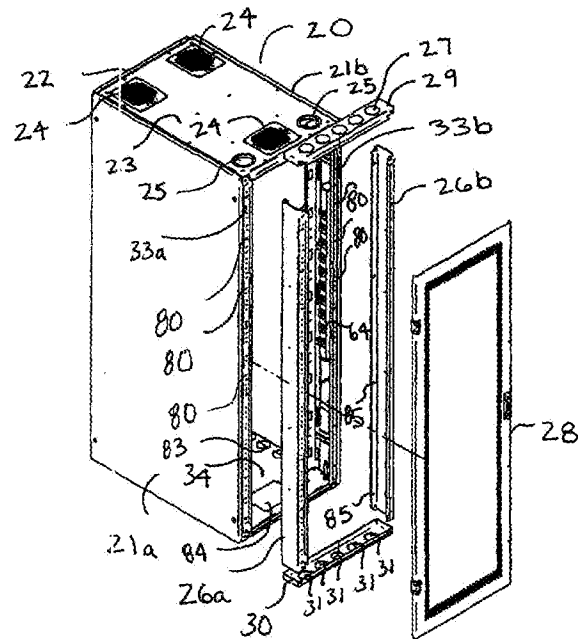


Figure 2A

Furthermore, Applicant takes issue with the Office's characterization of Hildebrandt's "cable ducts...formed between the metal strips 22 and the cover strips 23" as performing the function of Applicant's "cable support device." Applicant's independent claims 1 and 23 recite "a cable support device mounted to at least one of the expansion channels *in the expanded section of the enclosure housing.*" (emphasis added). The Office can point to no disclosure by Hildebrandt indicating that any device is *mounted in* the space defined by Hildebrandt's metal frame 4 and cover plates 28 and 29. Moreover, Hildebrandt makes no mention of a device capable of "cable support," but rather only discloses a "space" or "ducts" where "cable installations may be laid." Therefore, Hildebrandt does not disclose "a cable supported by the

cable support device [that] is situated in the expanded section of the enclosure housing,” as recited in Applicant’s independent claims 1 and 23.

Lastly, Applicant takes issue with the Office’s suggestion that Hildebrandt’s “cover plates include holes or cutouts.” In fact, Hildebrandt does not mention the [+] symbols to which the Examiner refers and moreover, does not suggest that such symbols represent holes or cutouts. The [+] symbols likely represent the centerline of a physical structure, e.g. a pin, such as to support an adjustable shelf within the cupboard.

For at least these reasons, Applicant’s invention is patentable over Hildebrandt. Reconsideration and withdrawal of these rejections is respectfully requested. Note that claims 1-4, 17, 19, 22-24, and 28 were not amended in response to this rejection.

Claims 13 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrandt et al (4,461,519) in view of Edfors et al (3,691,432). Hildebrandt et al discloses the applicants primary inventive concept as stated above, but while it does teach cables being housed in the expansion portion of the housing, it does not specifically recite a power strip mounted to an interior surface of the expansion channel. Edfors et al teaches that it is known in the art to provide a computer enclosure with a power strip and a cable rail with ring as set forth in column 5, lines 22-61. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains to have modified the computer enclosure as taught by Hildebrandt et al by including the power configuration including cable rails as taught by Edfors et al for the purpose of providing power to the enclosure for electronic equipment.

Applicant respectfully traverses these rejections. As established above, Hildebrandt does not disclose the claimed invention. In fact, Hildebrandt teaches away from the present invention in that the enclosed spaces defined by the cupboards’ construction will only exacerbate heat

generation and air blockage with respect to any electrical cables situated therein, which are problems that Applicant's invention seeks to alleviate.

As regards Edfors et al ("Edfors"), this reference neither discloses nor teaches that it is known in the art to provide a computer enclosure with a power strip and, even if it did, does not disclose the claimed invention. Edfors discloses "power supplies 101," which convert AC input to DC output, and are "[m]ounted within the cabinet assembly." Edfors col. 5, ll. 53-61. Thus, Applicant submits that Edfors makes no mention of power strips or any similar structures and thus fails to disclose, suggest or teach a "power strip" mounted to an "expansion channel," as recited in Applicant's dependent claims 13 and 27. Furthermore, Examiner has pointed to no motivation to combine the "power supplies" of Edfors with the "spaces" of Hildebrandt, which are likely physically incapable of being combined to begin with. For at least these reasons, the Examiner has failed to establish *prima facie* obviousness.

Applicant submits that the combination of Hildebrandt and Edfors is not proper, and even if it were proper, such combination would not disclose all of Applicant's claimed limitations. For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Notwithstanding the above, Claims 13 and 27 depend from claims 1 and 23, which are patentable over the cited prior art for at least the reasons discussed above. No amendments have been made to claims 13 and 27 in response to these rejections. Reconsideration and withdrawal of these rejections are respectfully requested.

Appl. No. 10/683,863
Amdt. Dated 02/26/2007
Reply to Office Action of 11/29/2006

Claims 5-12, 14-16, 18, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for his indication of allowable subject matter. However, in light of the above, Applicant submits that all claims in this application are allowable and respectfully requests reconsideration and withdrawal of these objections.

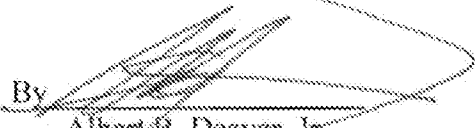
CONCLUSION

Claims 1-19 and 22-28 are currently pending in this application, with claims 1-4, 13, 17, 19, 22-24, 27 and 28 being rejected and claims 5-12, 14-16, 18, 25, and 26 being objected to. Applicant submits that each claim presented herein is patentable and a timely notice of allowance is respectfully requested.

Applicants thank the Examiner for his consideration and effort on this file. If there are any questions or if additional information is needed, the Examiner is invited to telephone or email the undersigned.

Respectfully submitted,

LOCKE LIDDELL & SAPP LLP

By 

Albert B. Deaver, Jr.

Reg. No. 34,318

Tel.: (713) 226-1141

adeaver@lockeliddell.com